

In The Matter Of:

*Renee Messana, Paul Demeo, Paul Messana, etc. v.
Acres of Wildlife Campground, Inc.*

*Paul M. Messana
Vol. 1, June 14, 2005*

*Doris O. Wong Associates, Inc.
Professional Court Reporters
50 Franklin Street
Boston, MA 02110
(617) 426-2432*

*Original File MESSANAPV1, 88 Pages
Min-U-Script® File ID: 0836299195*

Word Index included with this Min-U-Script®

Page 28

[1] A: Yes. I'm not sure if they actually worked
[2] for Michael or for his father, Manny.
[3] Q: Did you ever have any discussion with
[4] anybody else at Acres of Wildlife about the trees
[5] besides Michael?
[6] A: No.
[7] Q: I don't even think we'll need to use No. 5.
[8] Thank you very much. I may come back to that.
[9] Do you remember what Michael's response was
[10] when you talked to him again in the spring of '02
[11] about the trees?
[12] A: To the best of my knowledge, he said he
[13] would take care of them.
[14] Q: And I think you — correct me if I'm wrong,
[15] but I think you said earlier that prior to the
[16] accident, it appeared to you that he was working his
[17] way down?
[18] A: It seemed to me that he was up the road a
[19] ways. And I was under the assumption that he was
[20] working his way down the road.
[21] Q: So you were under the impression that prior
[22] to the accident, he was in the process of removing
[23] trees?
[24] A: Yes.

Page 29

[1] Q: And just hadn't got to yours yet?
[2] A: That was my assumption at the time.
[3] Q: Do you know if before the accident any
[4] other tenants besides you and Mr. Furbish had said
[5] anything to Michael about trees?
[6] A: I don't know.
[7] Q: And I take it in terms of the condition of
[8] those other trees that Michael removed before the
[9] accident, you don't really know what their condition
[10] was?
[11] A: I don't know.
[12] Q: That's fine. Do you remember what day of
[13] the week it was that the accident occurred?
[14] A: I don't remember.
[15] Q: That's fine. How long had you been up to
[16] the campground prior to the accident? How many days
[17] or had you been there for a while or had you just
[18] come back from Everett?
[19] A: I think we were there for three days, but
[20] I'm not positive.
[21] Q: Can you remember — maybe you can't — can
[22] you remember when it was before the accident the
[23] last time you saw Michael working on a tree?
[24] A: Oh, I can't remember.

Page 30

[1] Q: Fine. Fair enough. I think I had asked
[2] you earlier if one of the concerns you had was
[3] whether or not one of those trees that didn't look
[4] safe to you would fall on the platform. And I think
[5] you said you didn't even give that thought.
[6] A: I didn't give it a whole lot of thought at
[7] the time.
[8] Q: Because if you thought there were trees
[9] that were dangerous, you wouldn't let your family
[10] sleep on the platform?
[11] A: Exactly. I wouldn't have done that.
[12] Q: Sure. Where were you when you first became
[13] aware that something had happened?
[14] A: I was inside the trailer.
[15] Q: It was the morning of the 2nd?
[16] A: The morning of the 1st.
[17] Q: I'm sorry, the 1st. I keep saying July
[18] 2nd. I know I have to do something July 2nd this
[19] year.
[20] It was the morning of the 1st. What time
[21] of morning was it?
[22] A: It was approximately 8:00.
[23] Q: Had you slept in the tent that night?
[24] A: Yes.

Page 31

[1] Q: Was it your habit to get up earlier?
[2] A: Always.
[3] Q: And you were in the trailer?
[4] A: I was in the trailer making coffee, yes.
[5] Q: Did your wife and the kids have a routine
[6] as to when they usually got up?
[7] A: Well, being as it was vacation, they got up
[8] when they wanted to.
[9] Q: Which is later than you?
[10] A: Much later than me, usually.
[11] Q: Were you anticipating a time when they were
[12] going to be up in your mind or you didn't know?
[13] A: The average was, for my children, was
[14] around 9:30-ish.
[15] Q: Your wife told us that she, before the
[16] accident, considered Acres of Wildlife to be a safe
[17] place for your family and specifically your
[18] children. Would you agree with that?
[19] A: Yes.
[20] MR. RAPAPORT: Off the record.
[21] (Off the record)
[22] BY MR. RAPAPORT:
[23] Q: Mr. Messana, would you say that your site
[24] was closer to the wooded area than most of the other

Page 36

[1] A: When it hit the tent?
[2] Q: Yes.
[3] A: No. Just besides all the cracking as it
[4] was coming down, branches and everything else were
[5] breaking.
[6] Q: And your belief was that your wife and your
[7] children were in the tent?
[8] A: Yes.
[9] Q: What did you do?
[10] A: I ran over and picked up the main part of
[11] the tree off of the tent. And immediately after,
[12] Paul DeMeo came out of his tent, and he pulled the
[13] smaller piece off and tried to open the tent up.
[14] And the whole time I was just holding it to keep it
[15] from going back on the tent.
[16] Q: Did you ever come to find out what type of
[17] tree it was?
[18] A: I don't know.
[19] Q: Can you describe what the tree, the tree
[20] that was on the tent, what that looked like?
[21] A: It was completely stripped of bark, and
[22] probably the part — the part that actually hit the
[23] tent was probably six inches around, six inches
[24] diameter.

Page 37

[1] Q: So you're holding the tree and —
[2] A: I'm holding it off the tent at waste level.
[3] Q: And Paul's trying to open the tent?
[4] A: Correct.
[5] Q: Was he able to?
[6] A: He got it partway open and the zipper
[7] stuck, like it always did. And Raymond came flying
[8] out of it. And the whole time I was calling,
[9] calling to them, calling to my wife. And they
[10] responded, but she didn't.
[11] Q: Did anyone respond before you saw Raymond
[12] or did he — tell me what the sequence was, as best
[13] you can remember.
[14] A: As best I can remember, it was me and Paul.
[15] And Raymond came out of the tent, and Ariana said to
[16] me, "Get this thing off of me," because there was a
[17] small piece right over her stomach area. And I only
[18] know that because she told me. I asked her, "Where
[19] was it on you," and she said, "It was on my
[20] stomach."
[21] And I believe the next people was Beth
[22] Linton, which was right across the road. It was so
[23] early in the morning, it was quiet, and everybody
[24] heard it. And then the Furbishes came down. And

Page 38

[1] then a couple of EMTs came down. And then there was
[2] a lot of people, and it was just crazy from there.
[3] Q: That's fine. Describe how Raymond was when
[4] you saw him.
[5] A: He was still half asleep and very confused.
[6] I don't think at the time he knew even what
[7] happened.
[8] Q: At any time before your wife was taken
[9] away, did Raymond see your wife, do you know?
[10] A: To be honest, I'm not sure, because I had
[11] Paul take him into the trailer.
[12] Q: Sure.
[13] A: But in the meantime, I was watching this
[14] scene. If he had glanced over and seen her —
[15] Q: So you don't know.
[16] A: I don't know.
[17] Q: And I think you said the first thing you
[18] heard from Ariana was, "Get this off me"?
[19] A: Yes.
[20] Q: How did she appear to you?
[21] A: She was scared. And she was scared for her
[22] mother as well.
[23] Q: I hope this isn't a silly question, but how
[24] could you tell she was scared? The way she looked?

Page 39

[1] What she said?
[2] A: The way she looked. And she had said —
[3] and I don't remember exact words — something to the
[4] effect that "Mommy's bleeding" or "Mommy has blood
[5] on her."
[6] Q: Do you know how your family was positioned
[7] in the tent?
[8] A: I know how me and my wife were positioned.
[9] I believe Raymond was at our feet and our daughter
[10] was beside her. Now, if they had shifted after I
[11] left, I don't know that. When I left, that's the
[12] way they were.
[13] Q: What time did you get up?
[14] A: I got up around 6:30.
[15] Q: What did you do between 6:30 and 8:00?
[16] A: Very little. Usually go fishing. And for
[17] some reason that morning, I didn't feel like it. I
[18] was going to wait until they got up, and then I was
[19] going to go. So I was just sitting in the trailer,
[20] watching TV and having some coffee.
[21] Q: Fair to say neither Raymond or Ariana were
[22] crying?
[23] A: I don't know. Once they went in the
[24] trailer, I don't know.

Page 72

[1] don't you think about that while I check my notes.
[2] **A:** Sure.
[3] (Off the record)
[4] **BY MR. RAPAPORT:**
[5] **Q:** I've got a couple more questions. It has
[6] to do with some of your answers to interrogatories,
[7] the written questions. And it's Question 9. I had
[8] asked you a question about your annual income. Can
[9] you explain those numbers to me? It looks like
[10] gross and net. I wasn't quite sure what those
[11] numbers meant.
[12] **A:** Well, it said "annual gross income." And
[13] then you asked for "annual net income."
[14] **Q:** I think there were a couple of nets there.
[15] For example, let's take 2003. The gross stands
[16] for —
[17] **A:** The first ones would be the fire
[18] department, and there would be the roofing.
[19] **Q:** I see.
[20] **A:** I took these right off of my tax returns.
[21] **Q:** So in 2000 you had a net loss?
[22] **A:** Yes.
[23] **Q:** And the same in 2001?
[24] **A:** Yeah, once you add up what you spent into

Page 73

[1] it and what you put out.
[2] **Q:** How long have you been a self-employed
[3] roofer? How long have you been doing it?
[4] **A:** I've been roofing for 22 years;
[5] self-employed for about maybe 12.
[6] **Q:** Was there ever a time where you didn't have
[7] a loss?
[8] **A:** Yes.
[9] **Q:** When was the year before 2000 where you
[10] didn't have a loss?
[11] **A:** Probably 1999 or '98. There was a lot of
[12] equipment to be bought as well.
[13] **Q:** Do you still own the equipment?
[14] **A:** I have it, yes.
[15] **Q:** Do you rent it out or anything like that?
[16] **A:** No.
[17] **Q:** Could you?
[18] **A:** You probably could, but I wouldn't. You
[19] don't want to rent out ladders and staging —
[20] **Q:** Oh, sure. And net is after tax?
[21] **A:** Yes.
[22] **Q:** You paid a lot of taxes. That's why they
[23] call it "Taxachusetts," right?
[24] **A:** I took it right off of those forms. I'm

Page 7

[1] not really good with the numbers. That's my wife's
[2] end.
[3] **Q:** Now, getting back to the question I asked
[4] you to think about.
[5] **A:** There was just mainly the kids and how it's
[6] affected them. They walk on eggshells as well now.
[7] They see when mommy's in a mood, they have to stay
[8] away or not to ask, Can I go do this, Can I do that,
[9] Can I have this, Can I have that. They know. They
[10] can sense when she's in a mood, and they kind of
[11] stay away a little bit, too.
[12] **Q:** But in spite of that, you'll agree with
[13] your wife that their relationship with their mother
[14] is good?
[15] **A:** It's wonderful. They're more concerned for
[16] her than anything else. They'll come to me,
[17] "Mommy's not feeling good, dad. Can you do this for
[18] me?" "How is mommy doing?" They're always very
[19] concerned for her, but it limits some of the things
[20] they can do when she gets in these kind of moods.
[21] **Q:** And I'm not sure I asked your wife. Does
[22] she have any difficulty sleeping?
[23] **A:** She has a lot of difficulty sleeping.
[24] **Q:** Did she have difficulty sleeping before the

Page 75

[1] accident?
[2] **A:** Oh, no.
[3] **Q:** What's an average night for her in terms of
[4] how many hours she sleeps?
[5] **A:** She probably gets five to six hours a
[6] night. She does a lot of tossing and turning and
[7] waking up, and her mind goes a mile a minute and she
[8] has dreams. I usually sleep right through.
[9] **Q:** You do.
[10] **A:** Yeah, usually.
[11] **Q:** And the kids, they don't have any
[12] difficulty sleeping?
[13] **A:** No. They do okay. My daughter has an
[14] occasional nightmare, but that's normal.
[15] **Q:** It's not related to this?
[16] **A:** Not that I know of. Normally she doesn't
[17] want to talk about it.
[18] **MR. RAPAPORT:** I'm done. Thank you very
[19] much.
[20] **MR. COLLIER:** I just have a few questions.
[21] **CROSS EXAMINATION**
[22] **BY MR. COLLIER:**
[23] **Q:** Prior to the end of 2001 and the beginning
[24] of 2002, you said that you had conversations with

In The Matter Of:

*Renee Messana, Paul Demeo, Paul Messana, etc. v.
Acres of Wildlife Campground, Inc.*

*Paul A. Demeo
Vol. 1, June 15, 2005*

*Doris O. Wong Associates, Inc.
Professional Court Reporters
50 Franklin Street
Boston, MA 02110
(617) 426-2432*

*Original File DEMEO.V1, 47 Pages
Min-U-Script® File ID: 1314299070*

Word Index included with this Min-U-Script®

Page 5

[1] Q: And that was in Everett?
[2] A: Yes.
[3] Q: Do you work?
[4] A: Yes.
[5] Q: Where do you work?
[6] A: Babies "R" Us.
[7] Q: Where is that?
[8] A: Somerville, I think — or Everett. In the
[9] Gateway Plaza.
[10] Q: What do you do there?
[11] A: I do receiving.
[12] Q: How long have you worked there?
[13] A: Three months, I think.
[14] Q: And have you done anything else for work
[15] since you graduated high school?
[16] A: Yes. I worked at Circuit City and Target.
[17] Q: Aside from speaking with your attorney, did
[18] you do anything else to get ready for today?
[19] A: No.
[20] Q: Did you look at any papers?
[21] A: I filled out a survey paper, that paper
[22] that you have right there.
[23] Q: The interrogatory answers?
[24] A: Yes.

Page 6

[1] Q: And did you look at those to prepare for
[2] today?
[3] A: No.
[4] Q: Did you speak with anybody to prepare for
[5] today?
[6] A: Just my attorney.
[7] Q: Have you ever been through this process
[8] before?
[9] A: No.
[10] Q: Ever been involved in a lawsuit before?
[11] A: No.
[12] Q: Did you ever make a claim for any injuries?
[13] A: No.
[14] Q: I saw in these records that I think it was
[15] in 2000 you had a personal injury and were treated
[16] at a hospital. Does that sound right? Maybe I'm
[17] reading the wrong interrogatories. January 2000,
[18] personal injury at the Metro West Medical Center.
[19] Do you remember you got treatment there in Natick?
[20] Do you remember that?
[21] A: Metro West? I think I was hospitalized for
[22] a while.
[23] Q: Do you remember for what?
[24] A: No, not really.

Page 7

[1] Q: Were you hurt or were you sick? Do you
[2] remember? If you don't remember, that's fine.
[3] A: I don't remember.
[4] Q: Let's talk about the accident that happened
[5] up at the campground.
[6] A: Okay.
[7] Q: How many tents were on that platform?
[8] A: One.
[9] Q: Did you sleep in the tent the night before?
[10] A: Yeah.
[11] Q: And did anyone else sleep in that tent?
[12] A: No. I was in my own tent. I have my own
[13] tent. My mom slept in a separate tent.
[14] Q: Your tent wasn't on the platform?
[15] A: No, it wasn't.
[16] Q: Where was it?
[17] A: It was over by the side where you drive in,
[18] closer to the road.
[19] Q: It was on the ground?
[20] A: Yeah, it was on the ground.
[21] Q: What did you sleep in?
[22] A: A tent.
[23] Q: Did you sleep on the ground or in a
[24] sleeping bag?

Page 8

[1] A: On the ground.
[2] Q: The night before, did you go to bed before
[3] your mom and your brother and sister, do you
[4] remember?
[5] A: No, I don't remember.
[6] Q: Did you go in their tent at all the night
[7] before?
[8] A: No.
[9] Q: Do you know how your mother and — do you
[10] call Raymond and Ariana your brother and sister?
[11] A: Yes, they are.
[12] Q: Do you know how they were positioned in
[13] terms of how they slept in the tent?
[14] A: They slept side-by-side. Like, my mom was
[15] just straight.
[16] Q: Your mom was between them?
[17] A: Yeah.
[18] Q: But you didn't see them that night, the
[19] night before the accident?
[20] A: No, I didn't see them that night.
[21] Q: Were you awakened by some noise?
[22] A: Yes, I was awoken by the tree falling.
[23] Q: You heard it?
[24] A: Yeah.

Page 9

[1] Q: What did you hear?
[2] A: I heard the tree fall.
[3] Q: What did it sound like?
[4] A: Very loud, because it went into a couple of
[5] other trees before it actually hit the ground. And
[6] I heard it hit.
[7] Q: You didn't actually see it fall, right?
[8] A: No.
[9] Q: Had you ever seen any other tree fall at
[10] the campground?
[11] A: A couple of times, yes.
[12] Q: And was it that summer or summers before?
[13] A: It was a couple of summers before.
[14] Q: And do you remember where those trees were?
[15] A: Around that area I saw a couple fall.
[16] Q: Do you know whether the trees that you had
[17] seen fall before, you don't know how many years
[18] before it was?
[19] A: No.
[20] Q: And do you know what type of trees they
[21] were?
[22] A: The same trees that are out there.
[23] Q: Do you know what type of trees those are?
[24] A: No.

Page 10

[1] Q: We're talking about before the day of the
[2] accident.
[3] A: Okay.
[4] Q: Do you remember the condition of those
[5] trees that had fallen?
[6] A: Not really. I don't pay attention to the
[7] condition of trees.
[8] Q: And I wouldn't expect you would.
[9] A: Okay.
[10] Q: So you heard the tree fall?
[11] A: Yes.
[12] Q: What did you do?
[13] A: I got out of my tent, and I went over to
[14] see what was going on.
[15] Q: You went over to your mom's tent?
[16] A: Yes.
[17] Q: Was there anybody there before you got
[18] there?
[19] A: My dad was trying to get the tree off.
[20] Q: Was he saying anything?
[21] A: He was just trying to get the tree off.
[22] And he said, "Paul, get over here and help me." And
[23] I ran over to help him.
[24] Q: You helped him remove the tree?

Page 11

[1] A: Yes.
[2] Q: Either before you got the tree off or while
[3] you were getting it off, did you hear your mother or
[4] your brother and sister say anything?
[5] A: No.
[6] Q: What happened after you got the tree off?
[7] A: I ripped the tent open to see if my brother
[8] and my sister and my mom were okay. And my brother
[9] and sister looked fine, so I told them to go wait in
[10] the trailer. And my mom wasn't saying anything, and
[11] her face was all bloody.
[12] Q: When you told your brother and sister to go
[13] wait and the trailer —
[14] A: I was checking to see if they were okay
[15] first, to see if anything was wrong, and they said
[16] they were fine, so...
[17] Q: How did you go about checking them?
[18] A: I looked at their face. I asked them if
[19] they were okay, if they had any pain or anything. I
[20] said, "Go play video games for a little bit. Mommy
[21] will be fine."
[22] Q: When you asked them whether they were okay
[23] and whether they had any pain, what did they say?
[24] A: They just said, "I feel fine, Paulie. I'm

Page 12

[1] okay."
[2] Q: And they looked okay to you?
[3] A: Yeah.
[4] Q: You told me what you saw your mother look
[5] like. Did you react at all?
[6] A: I really at that time, there was just such
[7] a big impact, that I had no feeling. I didn't know
[8] what to feel.
[9] Q: What happened next, after your brother and
[10] sister went into the trailer?
[11] A: Well, a couple of the other guys from the
[12] other site, one of them happened to be a doctor, and
[13] he came over and helped, because he had his medicine
[14] bag, and he knew what to do.
[15] Q: That was a man?
[16] A: Yes.
[17] Q: Did you ever find out his name?
[18] A: No.
[19] Q: Did you see what he did in terms of caring
[20] for your mom?
[21] A: No.
[22] Q: Do you want to take a break?
[23] A: No.
[24] Q: I forgot to ask you before, Paul, how old

Page 13

[1] are you?
[2] A: I'm 19.
[3] MR. RAPAPORT: We can take as long as you
[4] want. You tell me when you're ready, Paul. We'll
[5] go at your pace.
[6] MR. COLLIER: Do you want a little break?
[7] THE WITNESS: I'm fine.
[8] BY MR. RAPAPORT:
[9] Q: What is it that bothers you now, Paul,
[10] about — I mean, when you talk about this, what is
[11] it that upsets you?
[12] A: I remember it so vividly. I have
[13] flashbacks every day of it.
[14] Q: Tell me about the flashbacks.
[15] A: Just exactly how it happened. I just see
[16] it every day.
[17] Q: What do you see? Your mom?
[18] A: No. Exactly what happened. I see it. I
[19] see exactly how it happened every day. I see it and
[20] I go through it.
[21] Q: And when you say "every day," it's not when
[22] you're asleep?
[23] A: It's when I'm awake.
[24] Q: Does it happen when you're doing anything

Page 14

[1] in particular?
[2] A: No.
[3] Q: It just comes on?
[4] A: Yes.
[5] Q: And how long does it last?
[6] A: Pretty much the whole day.
[7] Q: Are you able to work and go about doing
[8] your daily stuff?
[9] A: Yes.
[10] Q: But it's just on your mind?
[11] A: Yes.
[12] Q: Aside from today when you think about it,
[13] does it make you cry?
[14] A: Sometimes.
[15] Q: How often does that happen?
[16] A: Occasionally. Not that often.
[17] Q: Once every few months, would you say?
[18] A: More like once every week.
[19] Q: Once a week?
[20] A: Yes.
[21] Q: And we're now almost three years from then.
[22] In terms of the flashbacks, do they happen less,
[23] more, about the same?
[24] A: About the same.

Page 15

[1] Q: The same with the crying?
[2] A: Yes.
[3] Q: Yes?
[4] A: Yes.
[5] Q: Do you feel you can go on and talk about
[6] the rest of that day?
[7] A: Yes.
[8] Q: We were talking about the person you said
[9] was a doctor, who came with his bag. Did you see
[10] what he did to tend to your mom?
[11] A: No, I didn't.
[12] Q: Did you hear that person say anything?
[13] A: He asked if anyone had a knife, because we
[14] couldn't really get the tent fully open, and he had
[15] to cut it open.
[16] Q: Do you remember anything else he said?
[17] A: No.
[18] Q: What do you remember happening next?
[19] A: I went to tend to the little ones, because
[20] the ambulance was there, and they were getting my
[21] mother into the ambulance. So I tended to the
[22] little ones, and then the ambulance had left.
[23] Q: So at some point while you were still near
[24] your mom, the ambulance came?

Page 16

[1] A: Yes.
[2] Q: Do you remember anybody else being there on
[3] the platform or near the platform when the ambulance
[4] got there? There was you, your dad, this doctor —
[5] A: My mother, the person at the other site was
[6] there and the EMTs.
[7] Q: The person at the other site, the site near
[8] yours?
[9] A: It was down the road a little bit, but he
[10] had heard it, so he came down.
[11] Q: Do you know that person's name?
[12] A: No, I don't.
[13] Q: Have you ever spoken with him since?
[14] A: No.
[15] Q: So you went into the trailer to be with
[16] your brother and sister?
[17] A: Yes.
[18] Q: And how were they doing?
[19] A: They seemed to be okay. But I know my
[20] sister has a little trouble with it. Every now and
[21] then she thinks about it, but she doesn't speak
[22] about it.
[23] Q: You're talking about now?
[24] A: Yes.

Page 17

[1] Q: We'll get to that. But how did she appear
[2] when you were with them on that day?
[3] A: She appeared fine. She looked okay.
[4] Q: Did you tell them anything about your mom
[5] going to the hospital?
[6] A: They didn't ask.
[7] Q: Did you play with them?
[8] A: Yes.
[9] Q: At some point before the ambulance left to
[10] take your mother to the hospital, did you see anyone
[11] who worked at the campground at the site?
[12] A: No.
[13] Q: Do you know who owns the campground?
[14] A: I don't know his name, but I know who he
[15] is.
[16] Q: Do you know any of the names of the people
[17] who own it?
[18] A: I know his son's name.
[19] Q: What's his son's name?
[20] A: Mike.
[21] Q: And do you know what Mike's job is at the
[22] campground?
[23] A: No, I do not.
[24] Q: Did you ever see him do any work at the

Page 18

[1] campground?
[2] A: The activities. That's about it.
[3] Q: Like the games and stuff?
[4] A: Yes.
[5] Q: Did you ever see him do any cleanup?
[6] A: No.
[7] Q: Did you ever see him work in the woods on
[8] any trees?
[9] A: No.
[10] Q: Did you ever have any discussion — strike
[11] that.
[12] Have you ever talked with Mike about this?
[13] A: No.
[14] Q: Have you spoken with anybody from Acres of
[15] Wildlife since the day your mother got hurt?
[16] A: No.
[17] Q: Have you been back there?
[18] A: No.
[19] Q: At some point did your dad come back from
[20] the hospital to the campground?
[21] A: Yes.
[22] Q: And spoke with you?
[23] A: Yes.
[24] Q: What do you remember him telling you?

Page 19

[1] A: He asked me if I wanted to go back with him
[2] to go to the hospital or if I wanted to go with my
[3] aunt back to my grandparents' house.
[4] Q: What did you say?
[5] A: I went with my aunt to go back to my
[6] grandparents' house.
[7] Q: Where did your grandparents live?
[8] A: In Everett.
[9] Q: So you left Maine and went back to Everett?
[10] A: Yes.
[11] Q: And that's the last day you were at the
[12] campground?
[13] A: Yes.
[14] Q: Have you been in Maine since?
[15] A: No.
[16] Q: Have you been camping since?
[17] A: No.
[18] Q: When is the next time you saw your mother?
[19] A: I went up with her about two days later
[20] with my dad to go see her at the hospital.
[21] Q: And how did she appear to you?
[22] A: Her face was all black and blue. You
[23] couldn't really see her face.
[24] Q: Were you able to talk with her?

Page 20

[1] A: No. I don't think she was conscious at the
[2] time.
[3] Q: How many times did you visit her at the
[4] hospital in Maine?
[5] A: Just the once; because after, they let her
[6] come home.
[7] Q: And you were living with your mother —
[8] A: Yes.
[9] Q: — in Everett at the time?
[10] A: At the time, yes, I was living with them.
[11] Q: I got the chance to speak with your mother
[12] and father yesterday, and they said there was a
[13] period of time where your mother basically stayed in
[14] her room?
[15] A: Yes.
[16] Q: Did you get to talk with her at all during
[17] that time or see her?
[18] A: I really didn't stay at my house at that
[19] time.
[20] Q: Where did you go?
[21] A: I was either with my grandparents or my
[22] uncle.
[23] Q: So during that time where your mom was
[24] pretty much confined to her room, you were out of

In The Matter Of:

*Renee Messana, Paul Demeo, Paul Messana, etc. v.
Acres of Wildlife Campground, Inc.*

*Renee T. Messana
Vol. 1, June 14, 2005*

*Doris O. Wong Associates, Inc.
Professional Court Reporters
50 Franklin Street
Boston, MA 02110
(617) 426-2432*

*Original File MESSANAR.V1, 135 Pages
Min-U-Script® File ID: 2983340759*

Word Index included with this Min-U-Script®

Page 93

[1] Q: Do you do anything in terms of raking or
[2] mowing or anything like that?
[3] A: He does that.
[4] Q: And was that true before the accident?
[5] A: Yes. Anything inside the house is mine.
[6] Anything outside the house is his.
[7] Q: How about cooking?
[8] A: I really don't cook. He does. I don't.
[9] Q: And was that true before the accident?
[10] A: Yes.
[11] Q: So you weren't a big meal preparer?
[12] A: No. He was.
[13] Q: You said your daughter wants to be around
[14] you all the time and has had only one sleepover
[15] since the accident?
[16] A: Yes.
[17] Q: Are you saying that you believe that she
[18] has been affected emotionally by the accident?
[19] A: Yes.
[20] Q: Has she ever seen a counselor or therapist?
[21] A: No. I've talked to people about it and
[22] I've talked to her about it. She does not want to.
[23] She says, "Why do I have to?" But after your
[24] talking to her today, if we go home and I see

Page 94

[1] emotional trauma to her, they did tell me I could
[2] take her right down and start her right there.
[3] Q: Have you ever felt that she needed to see
[4] somebody?
[5] A: Yes.
[6] Q: Why didn't you take her?
[7] A: Because I discussed it with my child. And
[8] I, myself, had problems with counseling when I was
[9] at her age. So I don't want to put more trauma to
[10] my child. I just don't.
[11] Q: I'm sorry, did you say you had trouble
[12] with — what did you say?
[13] A: When I was nine, I had to see counseling.
[14] Q: For what?
[15] A: Personal issues; nothing pertaining to the
[16] case.
[17] Q: Did it have to do with abuse?
[18] A: Yes.
[19] Q: A family member?
[20] A: Yes.
[21] Q: And you had to see counseling for that?
[22] A: Yes.
[23] Q: How old were you?
[24] A: I started when I was 9 until I was 16.

Page 95

[1] Q: Do you know the counselor's name?
[2] A: There were three or four different ones.
[3] No, I don't.
[4] Q: Was it in a facility? Was it Tri City?
[5] A: No. It was across the street from
[6] Children's Hospital in Boston. I think it was the
[7] Judge Baker Center. I don't even remember the name.
[8] No, I don't remember.
[9] Q: I take it the abuse issue hasn't been an
[10] issue for your daughter — hasn't happened to her —
[11] or has it?
[12] A: It almost did, but no.
[13] MR. COLLIER: Can I ask that you state that
[14] question differently, because I'm a bit confused as
[15] to what you're actually asking.
[16] A: It's not physical abuse —
[17] Q: Let me ask you this. Has your daughter
[18] been the subject of physical abuse?
[19] A: No.
[20] Q: Has she been the subject of emotional
[21] abuse?
[22] A: No.
[23] Q: Have you ever been concerned that she's
[24] been abused?

Page 96

[1] A: Never.
[2] Q: Has she ever seen a counselor at school?
[3] A: No.
[4] Q: How has she done in school?
[5] A: Awesome, no problems.
[6] Q: And your son?
[7] A: Same. No problems.
[8] Q: Would you say their development — your son
[9] and daughter's development has gone along normally?
[10] A: Yes.
[11] Q: How are your children's relationship with
[12] your husband?
[13] A: They love their father.
[14] Q: So there's no problem there?
[15] A: None. My daughter just won first place in
[16] a school project that her and her father did, and
[17] she was astonished over that. There's no problems
[18] with their relationship at all.
[19] Q: And there's no problem with her
[20] relationship with you?
[21] A: Correct.
[22] Q: Does she have friends?
[23] A: Not around the area. In school, yes.
[24] Q: And the teachers have never told you



Volume I
Pages 1 to 47
Exhibits None

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RENEE MESSANA, PAUL DEMEO,
PAUL MESSANA, INDIVIDUALLY
AND AS NEXT FRIEND OF RAYMOND
MESSANA and ARIANA MESSANA,
Plaintiffs,

Civil Action
No. 04-11913 MLW

vs.

ACRES OF WILDLIFE CAMPGROUND,
INC.,
Defendant.

DEPOSITION OF PAUL A. DEMEO, a witness
called on behalf of the Defendant, taken pursuant to
the Federal Rules of Civil Procedure, before Jane M.
Williamson, Registered Merit Reporter and Notary
Public in and for the Commonwealth of Massachusetts,
at the Offices of John W. Collier, Esq., 200
Monsignor O'Brien Highway, Cambridge, Massachusetts,
on Wednesday, June 15, 2005, commencing at 11:25
a.m.

PRESENT:

John W. Collier, Esq.,
200 Monsignor O'Brien Highway, Cambridge,
MA 02141, for the Plaintiffs.

Preti, Flaherty, Beliveau, Pachios & Haley, LLC,
(By Daniel Rapaport, Esq.)
One City Center, P.O. Box 9546, Portland,
ME 04112-9546, for the Defendant.

* * * * *

1 Q. Were you hurt or were you sick? Do you
2 remember? If you don't remember, that's fine.

3 A. I don't remember.

4 Q. Let's talk about the accident that happened
5 up at the campground.

6 A. Okay.

7 Q. How many tents were on that platform?

8 A. One.

9 Q. Did you sleep in the tent the night before?

10 A. Yeah.

11 Q. And did anyone else sleep in that tent?

12 A. No. I was in my own tent. I have my own
13 tent. My mom slept in a separate tent.

14 Q. Your tent wasn't on the platform?

15 A. No, it wasn't.

16 Q. Where was it?

17 A. It was over by the side where you drive in,
18 closer to the road.

19 Q. It was on the ground?

20 A. Yeah, it was on the ground.

21 Q. What did you sleep in?

22 A. A tent.

23 Q. Did you sleep on the ground or in a
24 sleeping bag?

1 A. On the ground.

2 Q. The night before, did you go to bed before
3 your mom and your brother and sister, do you
4 remember?

5 A. No, I don't remember.

6 Q. Did you go in their tent at all the night
7 before?

8 A. No.

9 Q. Do you know how your mother and -- do you
10 call Raymond and Ariana your brother and sister?

11 A. Yes, they are.

12 Q. Do you know how they were positioned in
13 terms of how they slept in the tent?

14 A. They slept side-by-side. Like, my mom was
15 just straight.

16 Q. Your mom was between them?

17 A. Yeah.

18 Q. But you didn't see them that night, the
19 night before the accident?

20 A. No, I didn't see them that night.

21 Q. Were you awakened by some noise?

22 A. Yes, I was awoken by the tree falling.

23 Q. You heard it?

24 A. Yeah.

1 Q. What did you hear?

2 A. I heard the tree fall.

3 Q. What did it sound like?

4 A. Very loud, because it went into a couple of
5 other trees before it actually hit the ground. And
6 I heard it hit.

7 Q. You didn't actually see it fall, right?

8 A. No.

9 Q. Had you ever seen any other tree fall at
10 the campground?

11 A. A couple of times, yes.

12 Q. And was it that summer or summers before?

13 A. It was a couple of summers before.

14 Q. And do you remember where those trees were?

15 A. Around that area I saw a couple fall.

16 Q. Do you know whether the trees that you had
17 seen fall before, you don't know how many years
18 before it was?

19 A. No.

20 Q. And do you know what type of trees they
21 were?

22 A. The same trees that are out there.

23 Q. Do you know what type of trees those are?

24 A. No.

1 Q. We're talking about before the day of the
2 accident.

3 A. Okay.

4 Q. Do you remember the condition of those
5 trees that had fallen?

6 A. Not really. I don't pay attention to the
7 condition of trees.

8 Q. And I wouldn't expect you would.

9 A. Okay.

10 Q. So you heard the tree fall?

11 A. Yes.

12 Q. What did you do?

13 A. I got out of my tent, and I went over to
14 see what was going on.

15 Q. You went over to your mom's tent?

16 A. Yes.

17 Q. Was there anybody there before you got
18 there?

19 A. My dad was trying to get the tree off.

20 Q. Was he saying anything?

21 A. He was just trying to get the tree off.
22 And he said, "Paul, get over here and help me." And
23 I ran over to help him.

24 Q. You helped him remove the tree?

1 A. Yes.

2 Q. Either before you got the tree off or while
3 you were getting it off, did you hear your mother or
4 your brother and sister say anything?

5 A. No.

6 Q. What happened after you got the tree off?

7 A. I ripped the tent open to see if my brother
8 and my sister and my mom were okay. And my brother
9 and sister looked fine, so I told them to go wait in
10 the trailer. And my mom wasn't saying anything, and
11 her face was all bloody.

12 Q. When you told your brother and sister to go
13 wait and the trailer --

14 A. I was checking to see if they were okay
15 first, to see if anything was wrong, and they said
16 they were fine, so...

17 Q. How did you go about checking them?

18 A. I looked at their face. I asked them if
19 they were okay, if they had any pain or anything. I
20 said, "Go play video games for a little bit. Mommy
21 will be fine."

22 Q. When you asked them whether they were okay
23 and whether they had any pain, what did they say?

24 A. They just said, "I feel fine, Paulie. I'm

1 okay."

2 Q. And they looked okay to you?

3 A. Yeah.

4 Q. You told me what you saw your mother look
5 like. Did you react at all?

6 A. I really at that time, there was just such
7 a big impact, that I had no feeling. I didn't know
8 what to feel.

9 Q. What happened next, after your brother and
10 sister went into the trailer?

11 A. Well, a couple of the other guys from the
12 other site, one of them happened to be a doctor, and
13 he came over and helped, because he had his medicine
14 bag, and he knew what to do.

15 Q. That was a man?

16 A. Yes.

17 Q. Did you ever find out his name?

18 A. No.

19 Q. Did you see what he did in terms of caring
20 for your mom?

21 A. No.

22 Q. Do you want to take a break?

23 A. No.

24 Q. I forgot to ask you before, Paul, how old

1 A. Yes.

2 Q. Do you remember anybody else being there on
3 the platform or near the platform when the ambulance
4 got there? There was you, your dad, this doctor --

5 A. My mother, the person at the other site was
6 there and the EMTs.

7 Q. The person at the other site, the site near
8 yours?

9 A. It was down the road a little bit, but he
10 had heard it, so he came down.

11 Q. Do you know that person's name?

12 A. No, I don't.

13 Q. Have you ever spoken with him since?

14 A. No.

15 Q. So you went into the trailer to be with
16 your brother and sister?

17 A. Yes.

18 Q. And how were they doing?

19 A. They seemed to be okay. But I know my
20 sister has a little trouble with it. Every now and
21 then she thinks about it, but she doesn't speak
22 about it.

23 Q. You're talking about now?

24 A. Yes.

In The Matter Of:

*Renee Messana, Paul Demeo, Paul Messana, etc. v.
Acres of Wildlife Campground, Inc.*

*Jennifer Lauretti, Ph.D.
Vol. 1, October 14, 2005*

*Doris O. Wong Associates, Inc.
Professional Court Reporters
50 Franklin Street
Boston, MA 02110
(617) 426-2432*

*Original File LAURETTI.V1, 62 Pages
Min-U-Script® File ID: 2920345625*

Word Index included with this Min-U-Script®

Page 13

[1] whether or not that related to the accident?

[2] A: She absolutely felt that it was directly
[3] related to the accident.

[4] Q: And what specific things could she not do
[5] or did she tell you that she could not do around the
[6] house?

[7] A: I don't think we really discussed that too
[8] much in detail.

[9] Q: But she felt that her inability to do these
[10] things around the house were directly related to the
[11] accident?

[12] A: Yes. She basically talked about, you know,
[13] after the accident, you know, she felt overwhelmed,
[14] stressed, depressed, anxious and that as a result
[15] these symptoms were kind of impeding her ability to
[16] carry out functions as she normally would. For
[17] example, in one of my notes she talks about sleeping
[18] a lot. And so if she is sleeping a lot she is not
[19] attending to her children, and my impression was
[20] that she would worry about that.

[21] Q: I guess — and I may have asked it a
[22] different way or I may have asked the same question,
[23] but I'll ask it again. Did she give you any
[24] indication of why she — why the accident has caused

Page 14

[1] her to be unable to do certain things around the
[2] house specifically other than being generally
[3] anxious and depressed?

[4] A: No, no. I mean, my primary concern really
[5] was kind of as a treating clinician, her therapist,
[6] and so I didn't really feel kind of compelled to be
[7] in the role to kind of elicit specific details. I
[8] was more concerned about the symptoms.

[9] Q: That's fine. Is it fair to say, then, that
[10] you have not made — let me ask you.

[11] Have you made a determination or assessment
[12] as to whether her inability to do certain things
[13] around the house — whether she truly is unable to
[14] do anything around the house? Is it fair to say
[15] that you have not made any assessment in that
[16] regard?

[17] A: Absolutely, nor was that my role.

[18] Q: In terms of worrying about her children,
[19] again, what specifically were the worries there?

[20] A: Well, she talked a lot about her daughter
[21] having some stomach pains, and she basically noticed
[22] this after the accident, that her daughter exhibited
[23] some symptoms of stomach pains, and what she was
[24] wondering was whether it was anxiety or not. And so

Page 15

[1] that was — she mentioned that a number of times.

[2] Q: Okay. Do you know when her daughter began
[3] to have these stomach pains?

[4] A: Not specifically, no.

[5] Q: But Renee felt that these stomach pains
[6] were related in some way to the accident?

[7] A: Uh-huh.

[8] Q: It may be anxiety related; is that where
[9] your thought was?

[10] A: That was the hypothesis, yes.

[11] Q: Some other reasons why you indicated she
[12] presented to you is because she felt overwhelmed.
[13] What did she feel overwhelmed by, I suppose, in
[14] addition to the other things we have already
[15] mentioned?

[16] A: Primarily everything that we have discussed
[17] really.

[18] Q: She also was feeling depressed?

[19] A: Uh-huh.

[20] Q: What things was she feeling depressed about
[21] in addition to the things that we have already
[22] mentioned, if anything?

[23] A: I mean, everything that — everything that
[24] we have already mentioned. Those were her primary

Page 16

[1] concerns throughout, pretty much through each
[2] session.

[3] Q: She was generally feeling tired. The fact
[4] that she was feeling tired, what was that caused by
[5] in your opinion, if you have one?

[6] A: I don't have one.

[7] Q: Let's talk about her stress related to the
[8] court case. Can you just generally describe her
[9] feelings with that?

[10] A: I know that she talked a lot about
[11] suffering from memory impairment after the accident
[12] and that she really worried about whether or not she
[13] would be able to sit through a deposition and
[14] whether or not she could recall certain events that
[15] were — I guess that had impacted her, you know, to
[16] a negative degree — impacted her negatively, I
[17] guess.

[18] And she also — she also talked a lot about
[19] having to gather data for, I don't know, someone's
[20] request. I don't know if it was her attorney or
[21] something, medical records and different documents,
[22] and she just felt really overwhelmed by that and
[23] didn't know — you know, felt like it was a lot to
[24] ask her to do.